IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.10148 of 2001

Between:

Smt.Mopuri Krishnaveni W/o M. Prabhakara Chakradhararao (Hindu) Female, R/o Postal Colony, Kakinada, East Godavari District.

..... PETITIONER

AND

1. Deputy Commissioner of Prohibition & Excise,

   Kakinada, East Godavari District.
2. Commissioner of Prohibition & Excise,
   Hyderabad, Andhra Pradesh.

.....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in refusing to release my Ambassador Car bearing Registration No. AP 5X 2838 to my interim custody pending disposal of the appeal by his proceedings in Cr.No.3487/2000/DPE/B2 dt.8.5.2001, served on 17.5.2001, as illegal, arbitrary, capricious violative of principles of natural justice, unjust and violative of Art.21 of the Constitution of India and consequently to set aside the same and direct the Respondents to release the said vechile Ambassadar Car Bearing No.AP 5X 2838 to my interim custody on such terms and conditions fixed by his Hon'ble Court pending disposal of the appeal, before the Commissioner of Prohibition and Excise, A.P. Hyderabad, the 2nd Respondent.

Counsel for the Petitioner: SMT.N. (P). ANJANA DEVI, SATYANARAYANA

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

The petitioner's ambassador car bearing No.AP 5X 2838 was seized by Excise officials. The Deputy Commissioner, the first respondent herein, by order dated 07.9.2000 directed the confiscation of the vehicle under Section 46(3) of A.P. Excise Act, 1968 (the Act, for brevity). Aggrieved by the same, the petitioner filed an appeal before the first respondent under Section 63(2) of the Act. Along with the appeal, he filed an application for interim custody, which was dismissed. Therefore, he filed a writ petition being W.P.No.5570 of 2001. By order dated 29.3.2001, this Court remitted the matter to the Commissioner to consider the request of the petitioner for interim custody of the vehicle. Again, after due consideration, by order dated 08.5.2001, the Commissioner denied interim custody of the vehicle to the petitioner. Therefore, the present writ petition is filed.

This Court while admitting the writ petition on 22.5.2001 passed interim orders directing release of the vehicle to the petitioner on condition of his furnishing Bank guarantee to the satisfaction of the Motor Vehicle Inspector, East Godavari.

It is now submitted by the learned Counsel for the petitioner that the vehicle was released to the petitioner on his furnishing a Bank guarantee. In view of the same, the writ petition is disposed of, directing the second respondent to consider the appeal filed by the petitioner, against the orders of confiscation, within a period of three weeks and pass appropriate orders, after giving notice to the petitioner. The release of the vehicle shall abide by the orders of the appellate authority.

The writ petition, with the above observations, is disposed of.

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(**V.V.S.RAO,J**)

June 29, 2005.

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To

1. The Deputy Commissioner of Prohibition & Excise,

Kakinada, East Godavari District.

2. The Commissioner of Prohibition & Excise,
Hyderabad, Andhra Pradesh.

3. Two CCs to the Government Pleader for Prohibition & Excise,

High Court Buildings, Hyderabad. (OUT)

4. Two C.D. Copies.